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FCC - MAILROOM

October 15, 2003

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FCC Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re Petition for Reconsideration
Paramus School District
Entity #122941
471 Application #386049
CC Docket No 02-6
DA 03-2966

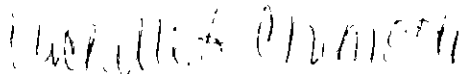
To Whom It May Concern

On October 6, 2003, Thomas Communications & Technologies (TCT), received a letter, dated September, 29, 2003 from Mark G. Seifert, Deputy Chief, stating that our FCC appeal on behalf of Paramus School District was dismissed due to the contravention of the FCC's rules regarding the 60 day filing period.

The dismissal stated, "Paramus filed its appeal on September 3, 2003, after the 60-day period." However, when TCT received the certified letter postcard, it shows the appeal was received by the FCC on September 3, 2003, while in actuality, the appeal was postmarked August 24, 2003. According to a new rule the FCC established in July 2003, TCT only needed to postmark the correspondence by 60 days.

Because August 24, 2003 fell on a Sunday, it falls into rule 54.720 of the Commission's rules as a "holiday", therefore, it could not be certified until Monday, August 25, 2003, the following business day.

TCT is asking for reconsideration of the Paramus School District FCC appeal letter dated August 20, 2003.



Sincerely,

THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC

Michelle L. Chemotti
Production Manager E-rate Services

the
Thomas
group

August 20, 2003

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**Federal Communications Commission
Office of the Secretary**

Re Paramus School District
Entity #122941
471 Application #386049
CC Docket No 02-6

To Whom It May Concern:

On June 25, 2003, an Administrator's Decision on Appeal-Funding Year 2003-2004 was issued for an appeal filed on March 3, 2003 by Thomas Communications and Technologies (TCT) on behalf of Paramus School District. The appeal was filed because the district's 471 application was denied in full because of failure to meet minimum processing standards.

TCT requested that the Universal Service Administrative Company review the fact we submitted a complete Block 4 detailing all eight schools within the school district. Although zeros do not appear in column 5 and 6 for Parkway Elementary School, our intent was to convey that there are no eligible students for the National School Lunch Program (NSLP) therefore the percentage eligible is 0%, the minimum percentage allowed under program rules. According to the discount matrix, school districts in an urban location such as Paramus with less than 1% of their students eligible for the NSLP are eligible for a 20% discount. This is accurately calculated and displayed on the Block 4 for Paramus School District. The weighted average discount percentage for shared services is correct at 31%.

This application should be considered complete since it is not truly missing information. In reviewing a decision by the FCC adopted on February 22, 2001 for Naperville Community Unit School District 203 Naperville, Illinois, the FCC found that in reviewing the record that the SLD reasonably could have easily discerned the information omitted in this application from the other information on the application. The type of error made on Paramus' application is the same as the above mentioned. On the application, we stated all schools within the district would be receiving the same shared services, and that there were no requests for different shared services for different groups of schools. Accordingly, if the funding request on Block 5 was for shared services, which SLD could have determined from Paramus' response to Item 23j on Block 5 would have shown that this is a complete application.

The information on the application should have been entered into the system and sent on to Program Integrity Assurance where they would have questioned the fact that information was

missing from columns 5 and 6. This school does not have any students eligible for free and reduced which would have automatically meant that a 20% discount level was in place. Please review the appeal letter and the Adopted FCC decision for Naperville Community Unit School District 203 and find that the two application errors are similar.

Sincerely,

THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC



Michelle L. Chemotti
Production Manager E-rate Services



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Michelle L. Chemotti, Production Manager E-rate Services
Paramus School District

From: Mark G. Seifert, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

Date: September 29, 2003

Re: DA 03-2966, Released September 29, 2003,

Please find accompanying this memo the Commission's decision on your Request for Review. The accompanying decision may be referenced in the future by its Proceeding Number and release date: DA 03-2966, September 29, 2003.

If you are not satisfied with this decision, you may file a petition for reconsideration with the Commission within 30 days of the release date of the decision.¹ However, the petition will generally be granted only if it demonstrates an error in the decision based upon (1) facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters, or (2) facts unknown to petitioner until after the Request for Review was filed and which could not, through the exercise of ordinary diligence, have been learned prior to that time.² Petitions for reconsideration are decided by the Wireline Competition Bureau of the Commission.

You may also file an application for review with the Commission if you are displeased with this decision. Your application for review must be filed within 60 days of the release date of the decision pursuant to section 1.115(c) of our rules. Please note that the application for review will not be granted if it relies on questions of fact or law upon which the designated

¹ See 47 C.F.R. § 1.106(1)

² See 47 C.F.R. § 1.106(b)(2)

authority has been afforded no opportunity to pass³ Applications for review are decided by the full Commission

Petitions for reconsideration and applications for review should be submitted to the Secretary, Federal Communications Commission, Washington, D.C , 20554, they should reference CC Docket No 02-6 as well as the Proceeding Number of the decision from which relief is sought, and should otherwise conform to the requirements the Commission's rules⁴

If you have any questions regarding the foregoing, feel free to contact the Telecommunications Access Policy Division at (202) 418-7400

³ See *Implementation of Interim Filing Procedures for Filings of Requests for Review*, Federal-State Joint Board on Universal Service, CC Docket No 96-45, Order, FCC-376, 17 FCC Rcd 339 (2002) See 47 U.S.C. § 1115(c)

⁴ See 47 C.F.R. § 1.106, 1.115

Before the
Federal Communications Commission
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Request for Review of the Decision of the)
Universal Service Administrator by)
)
Paramus School District)
Syracuse, New York)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc)

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File No. SLD-386049

Federal Communications Commission
Office of the Secretary

CC Docket No. 96-45

CC Docket No. 97-21

ORDER

Adopted: September 26, 2003

Released: September 29, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1 Thomas Communications & Technology, on behalf of Paramus School District (Paramus), Syracuse, New York, seeks review of a June 25, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Paramus filed its appeal on September 3, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

¹ Letter from Michelle Chemotti, Thomas Communications & Technology, to Federal Communications Commission, filed September 3, 2003 (Request for Review). Letter from the School and Libraries Division, Universal Service Administrative Company, to Michelle Chemotti, Thomas Communications & Technology, dated June 25, 2003. 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.720(b). See *In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221 (2003).

2 ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed on September 3, 2003, by Thomas Communications & Technology, on behalf of Paramus School District, Syracuse, New York, IS DISMISSED

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

UNITED STATES POSTAL SERVICE

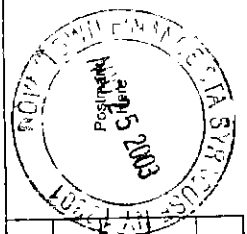
FORM 3800, June 2002

• Sender Please



**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage	\$.60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To FCC Office of the Secretary
Street Apt No. 445 12th Street SW
or PO Box No.
City, State ZIP+4 Washington DC 20554

PS Form 3800, June 2002 Set Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits

1 Article Addressed to:

FCC Office of the Secretary
445 12th Street SW
Washington DC 20554

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

D. J. Trotter

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes☐ No

If Yes, enter delivery address below

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3 Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C O D

4 Restricted Delivery? (Extra Fee)

☐ Yes

2 Article Number

(Transfer from service label)

March 3, 2003

Letter of Appeal
Schools & Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re 471 Application Number **not known at this time**
Billed Entry Number 122941

To Whom It May Concern

During the application process for E-rate Funding Year 2003, Thomas Communications & Technologies, LLC (TC&T) applied on behalf of Paramus School District for funding for their telecommunication services and Internet services with various service providers. This is a letter of appeal for Paramus School District.

Upon receipt of the Fund Year 2003 Form 471 Rejection Letter, dated February 18, 2003, TC&T was notified that the FCC Form 471 did not meet Minimum Processing Standards. The letter stated that the FCC Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5. It was indicated in Block 1, Item 5 that this application is for a school district.

Upon a review of the FCC Form 471 it is clear that a completed Block 4 was submitted detailing all eight schools within the school district. Although zeros do not appear in column 5 and 6 for Parkway Elementary School our intent was to convey that there are no eligible students for the National School Lunch Program (NSLP) therefore the percentage eligible is 0%, the minimum percentage allowed under program rules. According to the discount matrix, school districts in an urban location such as Paramus with less than 1% of their students eligible for the NSLP are eligible for a 20% discount. This is accurately calculated and displayed on the Block 4 for Paramus School District. The weighted average discount percentage for shared services is correct at 31%.

I would also like to add that zeros were entered into the appropriate places on this application but did not appear because of a direct flaw in the SLD's 471 excel form. The letter O had to be used in order to fill the blank space.

Therefore, TC&T is requesting that the FCC Form 471 be accepted and sent on to the Program Integrity Assurance reviewing process to receive vital E-rate funding.

Thank you for your attention to this matter.

Sincerely,

Thomas Communications & Technologies, LLC



Michelle L. Chemotti
Manager of E-rate Services

MLC:gms

Enclosure



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

June 25, 2003

Michelle L. Chemotti
Thomas Communications & Technology
217 Montgomery Street, 6th Floor
Syracuse, NY 13202

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Federal Communications Commission
Office of the Secretary

Re Paramus School District

Re	Billed Entity Number	122941
	Applicant's Form Identifier:	PY6PARAMUS
	471 Application Number Assigned	386049
	Funding Request Number(s)	1061366, 1061367, 1061368, 1061369, 1061370, 1061371, 1061372, 1031373, 1061374
	Your Correspondence Received	March 3, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Form 471 Rejection Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

<u>Funding Request Number</u>	1061366, 1061367, 1061368, 1061369, 1061370, 1061371, 1061372, 1031373, 1061374
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Decision on Appeal:	Denied in full
Explanation	

- In your letter of appeal, you indicate that you submitted a completed Block 4 detailing all schools within the school district. Although zeros do not appear in columns 5 and 6 for Parkway Elementary School, your intent was to convey that there are no eligible students for the National School Lunch Program. The weighted average discount of 31% is correct. You add that zeros were placed in the appropriate places on this application but did not appear because of a flaw in SLD's 471 Excel form. You are requesting that your FCC Form 471 be accepted and sent to Program Integrity Assurance for review.

- Upon review of this appeal, it has been determined that you did not complete Block 4, Column 5, for Parkway Elementary School and has therefore failed to meet the Minimum Processing Standards. The on-line Form 471 filing system was reviewed and it was concluded that the system does accept the placement of zeros in the appropriate columns. You included a corrected copy of your Form 471, which satisfies the deficiency noted in the Form 471 Rejection Letter. However, this information was sent on March 3, 2003, which is after the close of the Funding Year 2003 filing window. To be considered for funding, applications for Funding year 2003 must be mailed by the close of the filing window on February 6, 2003. Consequently, the appeal is denied.
- The original submission of this funding request was missing data in Block 4, Column 5, which caused the form to be rejected for failing to meet the minimum processing standards for that form. Forms that do not meet the minimum processing standards are not considered for funding. Your appeal has not shown that the request was improperly denied. Consequently, this funding request will not be data entered and your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company